

NOTICE OF SPECIAL MEETING

TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF AUSTIN:

Notice is hereby given that a Special Meeting of the City Council of the City of Austin will be held on the 29th day of July, 1955, at the Municipal Building, Eighth and Colorado, in Austin, Texas, at 3:00 P.M., for the purpose of considering resolutions authorizing condemnation for sanitary sewer easements; for instructing the City Manager to write a declaratory letter that the Council recognizes certain present limits occupied by a certain building, and would not ask that it be moved or changed; for discussing set-back on private swimming pools; and for informally discussing matters of the budget.

(Sgd) Elsie Woosley
City Clerk

(Sgd) Tom Miller
Mayor
City of Austin, Texas

ATTEST:

(Sgd) Elsie Woosley
City Clerk

CONSENT TO MEETING

We, the undersigned members of the City Council, hereby accept service of the foregoing notice, waiving any and all irregularities in such service and such notice, and consent and agree that said City Council shall meet at the time and place therein named, and for the purpose therein stated.

(Sgd) Wesley Pearson

(Sgd) Ben White

(Sgd) Lester E. Palmer

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

July 29, 1955
3:00 P.M.

Council Chamber, City Hall

The Meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Palmer, Pearson, White, Mayor Miller
Absent: Councilman Long

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; J. D. Huffman, Jr., Director of Finance.

The Mayor announced that this meeting was called for the purpose of considering resolutions authorizing condemnation for sanitary sewer easements; for instructing the City Manager to write a declaratory letter regarding present limits occupied by a certain building--that the Council recognized those limits and would not ask that it be moved or changed; for discussing set-back on private swimming pools; and for informally discussing matters of the budget.

The City Manager asked authority to proceed with condemnation of easement right-of-way across two tracts for extension of West Bouldin Creek sanitary sewer main from West Oltorf Street southward. The two properties to be crossed are owned by D. L. Welch and Glenn Lewis, and R. G. Mueller, Jr., and sister Francis Mueller Danforth. These two properties are the only ones on which easements are needed except one other owned by heirs whom the city has not been able to locate nor deal with. Efforts have been made to contact these people with no results; therefore it would be necessary to cross the property and later obtain the easement.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the opening, construction and maintenance of a sanitary sewer line in Southwest Austin in order to adequately serve that portion of the city with sanitary sewer facilities; and,

WHEREAS, the City Council has determined as a matter of fact that said sanitary sewer line must cross the hereinafter described premises; and,

WHEREAS, it appears that the City of Austin through its duly authorized representatives has negotiated with the owners of said land and has failed to agree with said owners on the market value of an easement across said land; and,

WHEREAS, the City Council now finds as a matter of fact that it is necessary for the City to acquire an easement across said land through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders a suit in eminent domain to acquire an easement for the purpose of placing and maintaining a sanitary sewer line in, on, under and across the following described land, to wit:

A strip of land fifteen (15.00) feet in width, same being out of and a part of that certain portion of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to D. L. Welch and Glen E. Lewis by warranty deed dated March 25, 1955, of record in Volume 1562 at page 204, Deed Records of Travis County, Texas, the centerline of the said strip of land fifteen (15.00) feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a point on the south line of the said D. L. Welch and Glen E. Lewis tract of land, and from which point of beginning the southeast corner of the said D. L. Welch and Glen E. Lewis tract of land bears S. 60° 42' E. 896.00 feet;

THENCE, N. 29° 18' E. 413.25 feet to a point;

THENCE, N. 26° 12' W. 400.57 feet to a point;

THENCE, N. 9° 38' E. 408.53 feet to point of termination on the most southerly northeast line of the said D. L. Welch and Glen E. Lewis tract of land, and from which point of termination the most easterly northeast corner of the said D. L. Welch and Glen E. Lewis tract of land bears S. 66° 42' E. 1356.79 feet.

And in addition thereto a temporary working space easement ten (10.) feet in width to cover period of original installation; said temporary working space easement is to be adjacent and parallel to the east and northeast lines of the easement described above.

This motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Bong

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the opening, construction and maintenance of a sanitary sewer line in Southwest Austin in order to adequately serve that portion of the city with sanitary sewer facilities; and,

WHEREAS, the City Council has determined as a matter of fact that said sanitary sewer line must cross the hereinafter described premises; and,

WHEREAS, it appears that the City of Austin through its duly authorized representatives has negotiated with the owners of said land and has failed to agree with said owners on the market value of an easement across said land; and,

WHEREAS, the City Council now finds as a matter of fact that it is necessary for the City to acquire an easement across said land through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders a suit in eminent domain to acquire an easement for the purpose of placing and maintaining a sanitary sewer line in, on, under and across the following described land, to wit:

A strip of land fifteen (15.00) feet in width, same being out of and a part of that certain tract of land, a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to Rudolph G. Mueller, Jr., et al, by deed of gift dated January 5, 1952, of record in Volume 1562 at page 37, Deed Records of Travis County, Texas, the centerline of the said strip of land fifteen (15.00) feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a point on the south line of the said Rudolph G. Mueller, Jr., et al tract of land, and from which point of beginning the southeast corner of the said tract of land bears S. 66° 42' E. 1356.79 feet;

THENCE, N. 9° 38' E. 42.47 feet to a point;

THENCE, N. 32° 08' E. 312.00 feet to a point;

THENCE, N. 20° 12' W. 310.24 feet to a point;

THENCE, following a line eight (8.00) feet east of and parallel to the west line of the said R. G. Mueller, Jr., et al tract of land N. 29° 23' E. to point of termination on the south line of a strip of land sixty (60.00) feet in width which was dedicated for a public street by warranty deed dated December 2, 1947, of record in Volume 877 at page 420, Deed Records of Travis County, Texas.

And in addition thereto a temporary working space easement ten (10.00) feet in width, to cover period of original installation, which temporary working space easement is to be adjacent and parallel to the east and northeast lines of the easement described above.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

MR. COLEMAN GAY stated a loan was to be made on the building at 8th and Congress, northwest corner, providing the City would give a letter stating it was satisfied with the present location of the improvements. The building encroaches .4' on Congress, and 1.9' on 8th Street. Councilman Palmer moved that the City Manager be instructed to give such a declaratory letter that the Council recognizes the present limits occupied by the building; and recognizing such would not ask that the building be moved or changed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

MR. EDGAR PERRY III stated he had trouble in getting a permit to build a swimming pool in his yard due to a set-back requirement. He believed the pool to be more of a retaining wall than a structure; and he asked that some regulation be made which would allow a pool less than 25' from the property line; and in some instances, the only location for a pool might be closer than 25' from the property line. He stated his organization was working out several types of pools, and thought some regulation should be provided. The City Manager stated that it was the opinion of the Legal Department that swimming pools were within the meaning of the building code and would require a permit, but they were not a building within that meaning of the code as regarding set-backs. The Mayor told him he could get his permit.

The Council then went over working papers of the budget.

There being no further business the Council adjourned subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk